

1 **WAGANAKISING ODAWAK STATUTE**
2 **RECALL of an OFFICIAL and LEAVE of ABSENCE**
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5 **SECTION I. PURPOSE**
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7 The purpose of this Statute is to provide for paid leave of absence in the case of a recall
8 of an Official in accordance with this Statute.
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11 **SECTION II. DEFINITIONS**
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13 **A. “Leave of Absence”** means a temporary suspension of the Official’s duties and
14 authority.
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16 **B. “Official”** means Tribal Chair, Vice Chair and/or Tribal Council members
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19 **SECTION III. CONSTITUTIONAL RECALL ELECTION and LEAVE OF**
20 **ABSENCE**
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22 **A.**The Tribal Chair, Vice Chair and Tribal Council members may be subject to recall in
23 accordance with the Constitution.
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25 **B.**The Official against whom a recall petition has been filed shall continue to perform the
26 duties of his or her office until the preliminary non-certified results of the recall election
27 are posted by the Election Board.
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29 **1.**If the preliminary non-certified results show that the recall election did not result
30 in the recall of the Official, then the Official shall continue to perform the duties of his or
31 her office; or
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33 **2.**If the preliminary non-certified results show that the recall election did result in
34 the recall of the Official, then the Official shall be placed on paid leave of absence until
35 the Election Board certifies the election results, or if there is a challenge to the election,

Recall of an Official and Leave of Absence Statute-posted 01/08/15 as sponsored by Councilor Keshick Secretary Shananaquet_____

1 until the Tribal Court issues a ruling indicating that the recall election was valid and did
2 result in the recall of the Official, and the Election Board certifies such results.
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4 **C.** If that Official (or former Official) appeals a decision of the Tribal Court to the LTBB
5 Appellate Court, such Official (or former Official) shall remain on unpaid leave during
6 the pendency of any appeal before the Appellate Court.
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8 **D.** If the LTBB Appellate Court rules that the recall election was not valid, or that the recall
9 election did not result in the recall of the Official, that Official shall be reinstated to his or
10 her office and shall receive back pay for any period of time that he or she has not been
11 paid while on unpaid leave of absence.
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13 **E.** Upon the posting of the certified election results by the Election Board, if the recall
14 election did not result in the recall of the Official, then the Official shall resume
15 performing the duties of his or her office.
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17 **F.** Upon the posting of the certified election results by the Election Board, if the recall
18 election did result in the recall of the Official, then any and all paid leave of absence shall
19 cease.
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21 22 **SECTION IV. IMPLICATIONS OF LEAVE OF ABSENCE**

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24 **A.** The Official on paid leave of absence shall receive his or her compensations as set forth
25 by Tribal Statute.
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27 **B.** The Official while on paid or unpaid leave of absence shall have all duties, authority and
28 privileges associated with the Official's position suspended. Such suspension shall including
29 barred access to confidential information, Tribal records, offices, properties and equipment
30 associated with the position.
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32 33 **SECTION V. SEVERABILITY**

1 If any section, subsection, paragraph, sentence, phrase or portion of this Statute is, for
2 any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion
3 shall be deemed a separate, distinct and independent provision and such holding shall not affect
4 the validity of the remaining portions thereof.
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7 **SECTION VI. EFFECTIVE DATE**
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9 Effective upon the signature of the Executive or 30 days from Tribal Council approval
10 whichever comes first or if the Executive vetoes the legislation, then upon Tribal Council
11 override of the veto.

12 **CERTIFICATION**
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